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## EU Pledge Statement

### BEUC report *Food marketing to children needs rules with teeth*

The EU Pledge welcomes the European Consumer Organisation's (BEUC) campaign to test the EU Pledge accountability mechanism, which allows any interested party the opportunity to raise their concerns. We welcome this scrutiny but do not agree with some of the report's conclusions:

- **Contrary to BEUC's assertion, the mechanism clearly does work:** Despite the complaints mechanism being tested by a large number of complaints (69) over a very short period, it delivered a comprehensive ruling on each complaint, including on 36 appeals lodged by BEUC in quick succession. In the eight cases which were found to be in breach, advertisers took corrective action. In several other cases, changes were made by advertisers despite not being in breach of the EU Pledge commitment.
- **BEUC's critique does not take into account reinforced nutrition criteria from June 2021:** The new criteria now exclude an expanded list of entire categories from being marketed to children, including chocolate, confectionery, soft drinks, ice cream and potato crisps. It is true that the WHO Nutrient Profiling Model is stricter than the EU Pledge, but the EU Pledge criteria are at least as strict as the nutrient profiles that the EU proposed in 2009 and equivalent to the Food Standards Agency criteria that underpin HFSS marketing regulations in the UK.
- **The intent to cover children's TV and not general programming is deliberate and proportionate:** The use of an audience threshold (35% of children under 12s when the BEUC research was conducted but since strengthened in 2021 to 30% of children under 13) ensures the commitment covers children's programmes, the mandate set out in Article 9.3 of the EU Audiovisual Media Services Directive. BEUC's proposal for an outright ban between 6am and 11pm goes well beyond - and proposes restrictions on marketing to adults in a manner that goes beyond any regulation globally.
- **The EU Pledge has a substantial, tangible impact:** We estimate that since 2005 we have reduced children's exposure to high fat, sugar or salt (HFSS) product advertising on TV by half. This is consistent with the finding in the most recent [EU study](#) (ECORYS, July 2021), which shows that children are exposed on average to about half as many food ads on TV as adults.
- **The claim that children are bombarded with food advertising online is greatly exaggerated.** The most recent [research](#) carried out for the European Commission (ECORYS, July 2021), shows that just 1.7% of ads that children see online are for food products. Nielsen research confirms that on average a child needs to visit an average website 41 times before being exposed to an HFSS ad. ECORYS also found that YouTube accounted for over 80% of children's online HFSS advertising exposure. This was before YouTube introduced an outright [prohibition](#) on HFSS advertising to children in October 2020.
- **The EU Pledge has comprehensive digital media coverage:** Any commercial communications on companies' own digital channels (websites, apps, social media channels) must not be designed to appeal primarily to children under 13. All digital media are covered, and since 2020 we have specific guidelines on using influencers. In most complaints submitted by BEUC, the digital communications in question were not in fact targeted at children under 13. A number of communications will have features that are attractive to children, but that does not mean that they are targeting children. Often, they are communicating about children's brands, but speaking to adults.

The EU Pledge is and will remain a dynamic initiative, adaptive to new developments in the marketing, food industry and media landscapes and responsive to societal concerns. We therefore welcome BEUC's scrutiny and take BEUC's findings into account as the initiative evolves further.

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